

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

JOSHUA RAY RED CHERRIES,)	CV-06-55-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	
)	
)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATION OF
MONTANA STATE PAROLE BOARD;)	U.S. MAGISTRATE JUDGE
CRAIG THOMAS; ED FOLEY,)	
)	
Defendants.)	
_____)	

On October 23, 2006 United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends the Complaint (*Doc. 1*) in this case be dismissed with prejudice. Magistrate Judge Anderson further recommends that pursuant to 28 U.S.C. § 1915(g) the docket reflect that the filing of this action counts as one strike against him for failure to state a claim.

Upon service of a magistrate judge's findings and recommendation, a party has 20 days to file written objections. 28 U.S.C. § 636(b)(1).¹ In this matter, no party filed objections to the October 23, 2006 Findings and Recommendation. Failure to object to a magistrate judge's

¹In prisoner cases, this Court extends the time to object to twenty days in order to take into account the Supreme Court's ruling in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988), and the somewhat greater mailing time that is involved in sending documents into and out of a prison facility.

findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint (*Doc. 1*) is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that pursuant to 28 U.S.C. § 1915(g) the docket reflect that the filing of this action counts as one strike against him for failure to state a claim.

The Clerk of Court shall notify the parties of the entry of this Order and close this case.

DATED the 20th day of November, 2006.

/s/ Richard F. Cebull
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE